

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SEBASTIAN OLUMBA, §
§
Plaintiff §
§
vs. § Civil Action No. _____
§
WESTERN WORLD INSURANCE §
COMPANY, §
§
Defendant §

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Western World Insurance Company files this Notice of Removal.

1. Plaintiff Sebastian Olumba is now and at the time suit was filed was a citizen of the State of Texas. (See Appendix pages 001, ¶ 1 and 002, ¶ 7; and pages 018 - 021.)

2. Defendant Western World Insurance Company is now a corporation incorporated in the State of New Hampshire and with its principal place of business in New Jersey, and at the time suit was filed was a corporation incorporated in the State of New Hampshire and with its principal place of business in New Jersey. (See Appendix page 001, ¶ 2; and page 022.)

3. Because Plaintiff is now and was a citizen of Texas when suit was filed, and because Defendant Western World is now and was at the time suit was filed a citizen of New Hampshire and New Jersey, complete diversity of citizenship exists among the parties.

4. Defendant Western World files this Notice of Removal within 30 days of the date that the Defendant was served with the suit. (See Appendix page 015.)

5. The amount in controversy exceeds \$75,000.00, exclusive of interests and costs. (See Appendix page 010, ¶ 64.)

6. Because complete diversity of citizenship exists among the parties, and because the

amount in controversy exceeds \$75,000.00 exclusive of interests and costs, this action is removable under 28 U.S.C. §§ 1332 and 1441.

7. Removal is also appropriate pursuant to 42 U.S.C. § 4072, because federal courts have original and exclusive subject matter jurisdiction over cases involving disputed disallowance or partial disallowance of federal flood insurance claims proceeds, regardless of the amount in controversy.

8. Venue is proper in the present Court pursuant to 28 U.S.C. 1441(a), because the U.S. District Court for the Southern District of Texas, Houston Division embraces the 164th District Court, Harris County Texas where the State Court Action was originally filed and the property is located.

9. True and correct copies of the state court filings to date are attached to this Notice.
(See Appendix pages 001 – 017.)

CONCLUSION

By this Notice of Removal, Defendant does not waive any objections it may have as to service, jurisdiction or venue or any other defenses or objections it may have to this action, except as expressly herein admitted, and Western World expressly reserves all defenses, motions and pleas.

Respectfully submitted,

By: s/Robert G. Hogue
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COUNSEL FOR DEFENDANT
WESTERN WORLD INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, a true and correct copy of this document was served on counsel for the Plaintiff as follows:

Mr. Shane McClelland
Attorney at Law
440 Cobia Drive, Suite 101
Katy, Texas 77494

Via e-service

COUNSEL FOR THE PLAINTIFF

By: s/Robert G. Hogue
Robert G. Hogue